

**COUNCIL WORK SESSION
MONDAY, SEPTEMBER 13, 2010**

7:00 P.M. PROMPT

* * * * *

* * * * *

- DISCUSSION OF AGENDA
- EXECUTIVE SESSION – Personnel

Bedford, Ohio

September 13, 2010

Bedford City Council met in a work session at Bedford City Hall on Monday, September 13, 2010 at 7:00 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Greg Pozar, Donald Saunders. Also Present: Clerk of Council Pro-Tem Michelle Gnoddie. Administration: City Manager Henry Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Discussion held on regulations of the proposed sweepstakes café ordinance. It was agreed Ordinance No. 8687-10 would be placed on second reading.

It was agreed Ordinance No. 8688-10 would be placed on second reading. Mr. Schuman is waiting for a definition for this ordinance from the State of Ohio.

Ordinance No. 8716-10 is the Solon Road waterline project. Mr. Angelo stated Mr. Excavator was the lowest bidder. Noce's bid was rejected because he left out of his bid the section for concrete work. The waterline will be installed in the street and the project involves new valves and hydrants. The work is scheduled to take 30-45 days and should be completed by Thanksgiving.

Ordinance No. 8717-10 is for the replacement of doors at the Wastewater Treatment plant, which have rusted. Mr. Angelo said the doors would be replaced with fiberglass doors. This is part of the bond capital improvement program.

Ordinance no. 8718-10 is for the Mapledale pump station stand-by generator. This project is part of the bond capital improvement program.

It was agreed to approve a motion to group Ordinances 8719-10 through 8723-10 (items D through H) on the agenda. These ordinances have to do with the renovation of city owned homes.

Ordinance No. 8719-10 is the addition of an air condenser to the house at 361 West Grace.

Ordinance No. 8720-10 is to re-grade the backyard at 227-229 West Glendale. The water runoff is going toward the basement door. We are unable to show the house after a rain.

Ordinance No. 8721-10 and 8722-10 is work at 132 Woodrow that should have been done prior to sale. Mr. Angelo said the house has already sold. The work is concrete repairs and flashing around the chimney. Water is getting into the home because the flashing is bad.

Ordinance No. 8723-10 is for electrical repairs at 775 Lincoln Blvd. This is a NSP house.

Ordinance No. 8724-10 is for the replacement of the roof on the pavilion at Ellenwood. This is the original roof being replaced. Mr. Angelo said three estimates were received and Barnes Roofing is the lowest and best bid.

Ordinance No. 8725-10 is accepting the grant from NOPEC for \$144,000. Mr. Angelo said he is expecting documentation soon on how the City will utilize these funds. He will go over this program with Council soon.

Resolution No. 2435-10 is for accepting the amounts and rates as determined by the budget commission. Mr. Gambosi stated this needs to be done by November 1, 2010.

Resolution No. 2436-10 is supporting an application for Issue II funds. Mr. Angelo stated if we are successful in receiving Issue II funds, it will be used for Grand Blvd. next year. We have Grand scheduled for next year as part of the bond capital improvement. If successful, we will use the bond funds for another project. We should know the results in spring 2011.

Discussion of the Regular Meeting Agenda was concluded.

Councilman Koci received a call regarding quiet zones. Discussion held.

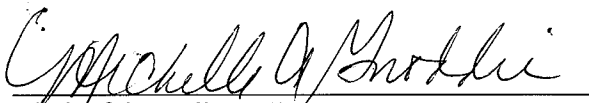
Councilwoman Zolata inquired about political signs. Mr. Schuman responded our ordinance states 30 days before an election, but it is unenforceable.

Mayor Pocek stated that September 28, 2010 is the start of vote by mail. Mayor Pocek requested Mr. Angelo do a mailing to residents explaining the proposed charter changes.

Mr. Angelo stated that no one from the Administration is available to attend the monthly Chamber meeting as they are attending the Automobile clambake the same evening.

At 7:40 p.m., Bedford City Council and Administration went into an executive session to discuss personnel.

Work Session adjourned at 7:58 p.m.


Clerk of Council Pro-Tem


Mayor – President of Council

1. CALL TO ORDER**2. PLEDGE OF ALLEGIANCE****3. ROLL CALL****4. APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of August 23, 2010
- b. Approval of Minutes of the Regular Meeting of August 23, 2010

5. OLD BUSINESS

- a. Ordinance No. 8687-10, enacting Chapter 749 of the Bedford Codified Ordinances entitled "Sweepstakes Terminal Café" – 1st reading 08/23/10
- b. Ordinance No. 8688-10, replacing Chapter 1955 of the Bedford Codified Ordinances with a new Chapter 1955 – 1st reading 08/23/10

6. REPORTS

- a. City Manager
- b. Law Director
- c. Finance Director
- d. Council Reports

7. NEW BUSINESS

- a. Ordinance No. 8716-10, authorizing the City Manager to enter into a contract with Mr. Excavator, Inc. for the Solon Road Waterline Replacement
- b. Ordinance No. 8717-10, authorizing the City Manager to enter into a contract with AM Door & Supply for the Wastewater Treatment Plant door replacements
- c. Ordinance No. 8718-10, authorizing the City Manager to enter into a contract with North Bay Construction for the Mapledale Avenue pump station standby generator
- d. Ordinance No. 8719-10, authorizing the City Manager to enter into a contract with Dawnco Heating & Air Conditioning for various repairs at 361 W. Grace (\$1,750.00)
- e. Ordinance No. 8720-10, authorizing the City Manager to enter into a contract with Toaz Construction, Inc. to re-grade the backyard for drainage purposes at 227-229 W. Glendale (\$700.00)
- f. Ordinance No. 8721-10, authorizing the City Manager to enter into a contract with Tony Nero Cement for various repairs at 132 Woodrow (\$1,700.00)
- g. Ordinance No. 8722-10, authorizing the City Manager to enter into a contract with Hortis One, Inc. for various repairs at 132 Woodrow (\$650.00)
- h. Ordinance No. 8723-10, authorizing the City Manager to enter into a contract with All Phase Service Company for various repairs at 775 Lincoln (\$3,040.00)
- i. Ordinance No. 8724-10, authorizing the City Manager to enter into an agreement with Barnes Roofing, Inc. for replacing the roof on the pavilion located at Ellenwood (\$7,400.00)
- j. Ordinance No. 8725-10, authorizing the City Manager to execute a grant agreement with NOPEC
- k. Resolution No. 2435-10, accepting the amounts and rates as determined by the Budget Commission
- l. Resolution No. 2436-10, authorizing the City Manager to seek financial assistance from the Ohio Public Works Commission State Public Works Program

8. HEARING OF CITIZENS**9. ADJOURNMENT**

Bedford, Ohio

September 13, 2010

Bedford City Council met in regular session at Bedford City Hall on Monday, September 13, 2010. Mayor Pocek called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci.

Motion made by Pozar and seconded by Koci to appoint Michelle Gnoddie as Acting Clerk of Council. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Batten and seconded by Koci to approve the minutes of the Work Session of August 23, 2010. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizsak and seconded by Pozar to approve the minutes of the Regular Meeting of August 23, 2010. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8687-10, an ordinance enacting Chapter 749 of the Bedford Codified Ordinance entitled “Sweepstakes Terminal Café” and declaring an emergency placed on first reading August 23, 2010 was read by title only. Motion made by Batten and seconded by Zolata to place Ordinance No. 8687-10 on second reading. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8688-10, an ordinance replacing Chapter 1955 of the Bedford Codified Ordinances with a new Chapter 1955 and declaring an emergency placed on first reading August 23, 2010 was read by title only. Motion made by Koci and seconded by Mizsak to place Ordinance No. 8688-10 on second reading. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

City Manager Angelo reported that hydrant flushing is taking place, there are signs posted, and this will continue through the rest of the week. If someone has brown water, it is because of the hydrant flushing. If someone has stains from the brown water, the Water and Fire departments have the stain remover.

Mr. Angelo followed up on information he received from Mrs. Kusek and contacted other cities and Mr. Roberts from the PUCO. There are two ways the City can file a complaint. One is an informal complaint and the other is a formal complaint. The formal complaint would be cost prohibited because the City would have to do all the investigative work. The informal complaint is where the PUCO would send staff out and they would do an investigative procedure. We are inquiring with other cities as to how they filed their informal complaints.

Law Director Schuman stated he spoke with the Parma Law Director and Parma did not file any complaint. Parma brought the First Energy/CEI representative in for a meeting with the residents. CEI then performed the remedial work. Mr. Schuman also spoke with the Solon Law Director and they did file a complaint but told Mr. Schuman it was a waste of time. Mr. Schuman said no customers in Parma and Solon were reimbursed.

No report from the Law Director.

No report from the Finance Director.

Mayor Pocek congratulated Marilyn Zolata on being selected Citizen of the Year and acknowledged Don Saunders valiant effort in last week's election.

Councilman Saunders reported there are curfew issues after football games. Juveniles are hanging around the streets. More police patrols are needed in the area of Bedford High and Chanel and curfew needs to be enforced. It is not just home games, but these schools rent their football fields to other schools.

No report from Councilman Pozar.

Councilwoman Mizesak congratulated Marilyn Zolata on being selected Citizen of the Year and acknowledged Don Saunders efforts in the election. Mrs. Mizesak reported there are many residents that feed deer, especially on West Glendale, and inquired if there was anything the City and Metroparks could do to discourage feeding the deer.

Mr. Angelo reported that one resident on West Glendale was told if she continued to feed the deer she would be issued a citation because it is causing a problem with her neighbors. It is not only attracting deer, but it is attracting other critters.

Councilman Batten offered congratulations to Marilyn Zolata on being selected Citizen of the Year at this year's Oktoberfest. Mr. Batten reported there was a pie contest on Sunday and Chili contest on Saturday.

Councilman Koci congratulated Marilyn Zolata on being selected Citizen of the Year. Mr. Koci said there are still tickets available for Apollo's Fire on Friday night during the Weekend of the Pooka. Apollo's Fire plays classical music. On Saturday there are activities for children such as a mural the kids can paint. For the adults there is performance art, steel drum bands, jazz quartet, drum circle, and an art show with 28 participating artist. The art show is Saturday from 12:00 noon to 7:00 p.m.

Councilwoman Zolata thanked Mr. Batten and the Community Council. The Church of the Nazarene is having an "after football" party and urges parents to persuade their kids to attend a gathering such as this instead of hanging out in the streets. Mrs. Zolata also has constituents concerned about the deer population.

Motion made by Zolata and seconded by Koci to group items D through H on the agenda. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8716-10, an ordinance authorizing and directing the City Manager to enter into a contract with Mr. Excavator, Inc. being the lowest, responsive and responsible bidder and declaring an emergency was read by title only. Motion made by Batten and seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizesak to place Ordinance No. 8716-10 on third and final reading and passed.

Mr. Angelo stated this project is for the replacement of the Solon Road waterline and is part of the bond capital improvement program for the waterlines. Mr. Excavator was the lowest and most responsible bid. There was one bid lower, however, the bidder left out a whole section and was not a responsive bidder.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8717-10, an ordinance authorizing and directing the City Manager to enter into a contract with AM Door & Supply being the lowest, responsive and responsible bidder and declaring an emergency was read by title only. Motion made by Mizesak and seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Batten to place Ordinance No. 8717-10 on third and final reading and passed.

Mr. Angelo stated this project is also part of the capital improvement program for replacement of the 15 doors at the Wastewater Treatment Plant. The ferric chloride had rusted the doors and they will all be replaced with fiberglass doors.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8718-10, an ordinance authorizing and directing the City Manager to enter into a contract with North Bay Construction being the lowest, responsive and responsible bidder and declaring an emergency was read by title only. Motion made by Saunders and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Saunders to place Ordinance No. 8718-10 on third and final reading and passed.

Mr. Angelo said this project is also part of the \$5 million capital improvement program. It is a wastewater improvement operation. It is for a standby generator for the Mapledale pump station. It is not only an improvement, but it is a requirement that there is that type of generator in case of a power failure.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8719-10, an ordinance authorizing the City Manager to enter into a contract with Dawnco Heating & Air Conditioning to make various repairs to the residence at 361 West Grace in the City of Bedford and declaring an emergency was read by title only.

ORDINANCE NO. 8720-10, an ordinance authorizing the City Manager to enter into a contract with Toaz Construction, Inc. to re-grade the backyard for drainage purposes to the residence at 227-229 West Glendale in the City of Bedford and declaring an emergency was read by title only.

ORDINANCE NO. 8721-10, an ordinance authorizing the City Manager to enter into a contract with Tony Nero Cement to make various repairs to the residence at 132 Woodrow in the City of Bedford and declaring an emergency was read by title only.

ORDINANCE NO. 8722-10, an ordinance authorizing the City Manager to enter into a contract with Hortis One, Inc. to make various repairs to the residence at 132 Woodrow in the City of Bedford and declaring an emergency was read by title only.

ORDINANCE NO. 8723-10, an ordinance authorizing the City Manager to enter into a contract with All Phase Service Company to make various repairs to the residence at 775 Lincoln Boulevard in the City of Bedford and declaring an emergency was read by title only.

Motion made by Zolata and seconded by Koci to suspend the rule requiring the reading of said ordinances on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Saunders to place Ordinance No. 8719-10, Ordinance No. 8720-10, Ordinance No. 8721-10, Ordinance No. 8722-10, and Ordinance No. 8723-10 on third and final reading and passed.

Mr. Angelo stated these are all repairs and additional home improvements at these various locations. They all received a minimum of two bids.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8724-10, an ordinance authorizing the City Manager to enter into an agreement with Barnes Roofing, Inc. and declaring an emergency was read by title only. Motion made by Zolata and seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizesak to place Ordinance No. 8724-10 on third and final reading and passed.

Mr. Angelo said we received three bids for the roof on the pavilion behind the recreation center. It is the original roof. Barnes Roofing is the lowest and best bid.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8725-10, an ordinance authorizing the City Manager to execute a grant agreement with NOPEC and declaring an emergency was read by title only. Motion made by Saunders and seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Batten and seconded by Koci to place Ordinance No. 8725-10 on third and final reading and passed.

Mr. Angelo said this is a grant award to the City for \$144,000 from NOPEC. This ordinance is our acceptance of the grant. We have six different items on how the money is to be spent and it will include the residents receiving a part of this grant through education seminars being offered.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

RESOLUTION NO. 2435-10, a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency was read by title only. Motion made by Koci and seconded by Zolata to suspend the rule requiring the reading of said resolution on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Koci and seconded by Pozar to adopt Resolution No. 2435-10.

Mr. Gambosi stated this is the adoption of the millage, including the millage for the safety forces levy. This has to be done by November 1st.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

RESOLUTION NO. 2436-10, a resolution authorizing the City Manager to seek financial assistance from the Ohio Public Works Commission (OPWC) State Public Works program to fund various capital infrastructure improvement projects and declaring an emergency was read by title only. Motion made by Saunders and seconded by Koci to suspend the rule requiring the reading of said resolution on three different days. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Mizesak to adopt Resolution No. 2436-10.

Mr. Angelo stated this is another opportunity for the City to go after another grant. Even though we have Grand Boulevard scheduled for next year in the bond capital improvement program, if we can get Issue II money, we will use that funding for Grand Boulevard, Magnolia and Franklin Avenue and the money from the bond will be used for additional waterline improvements.

Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Mayor Pocek said that would conclude the business portion of the meeting and asked if anyone in the audience had any comments.

Nancy Kusek, 99 Wheelock spoke with South Euclid Councilman Romeo who stated that South Euclid residents would receive compensation from CEI. The South Euclid Mayor and City Council pressed CEI until they agreed to compensate the residents in South Euclid. It may not be a full compensation, but they will receive something. Mr. Angelo will follow-up with Councilman Romeo of South Euclid.

Mrs. Kusek said on June 23, 2010, PUCO sent a field representative to Bedford to do an investigation and Mrs. Kusek received a copy of the investigative report. According to the report, on the pole located across the street from Mrs. Kusek, the cross-arm was burned through and someone had stuck pins in it and an insulator over it. There are other ones that insulators burned holes. Mrs. Kusek has another report stating that PUCO asked the Illuminating Company/First Energy specifically for their records from their dispatch from that day between 3:00 a.m. and 11:00 a.m. and the records are unavailable. Mrs. Kusek believes she has enough proof to prove negligence. Mrs. Kusek would like the City to have CEI/First Energy representatives attend another meeting with residents.

Mr. Angelo inquired if the PUCO investigative report actually states negligence. Mr. Angelo stated the City would look into filing an informal complaint and the PUCO would do a circuit-by-circuit review, but this may have already been done. Whether or not they actually cite them for negligence is the question. Mr. Angelo needs to find out if the PUCO under the informal complaint would be doing the same thing that they have already done for Mrs. Kusek or whether it would be more extensive. Mr. Roberts of PUCO indicated to Mr. Angelo that they would analyze every service interruption and determine the cause of each. Mr. Angelo will make a copy of the report and review it.

Tim Tench, 286 Marion stated he spoke with Mr. Zgrabik regarding the loss of property at Central School and Mr. Zgrabik is also receiving the runaround and experiencing stall tactics. The money the school lost was quite substantial, well over \$6,000.00. Bedford Schools has a hard copy of the voltage that was used, the spikes, the times that can show negligence or at least some probable cause on their part.

Mr. Tench inquired why the City was resurfacing Berwyn and Caryl at the start of school. Mr. Angelo responded these streets should have been done before school started. The contractor was advised these two streets had to be done first and definitely before school started. Mayor Pocek added the decision to do streets was made after the bond sale.

Mr. Tench stated he would be speaking with Chief Duber about the kids after football games. Mr. Tench lives in the area and it is a problem. Mr. Tench wants to obtain names, find out if anyone was arrested, and take this to the new principal at the high school for him to address because these are school events.

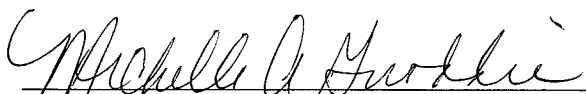
Mr. Tench inquired about a vacancy tax. Mr. Tench has learned there are some vacant buildings in which the owner is collecting rent, for years, from previous tenants. There is no incentive for these building owners to do anything to get a tenant. Mr. Tench suggested the cities in Cuyahoga County create a consortium to force this issue. Mr. Schuman replied we cannot tell a building owner how much to charge for his building or who to rent to. We enforce our building codes very stringently. The property owner being referenced keeps his properties meticulous. Mr. Schuman stated that Councilwoman Zolata brought up the issue of a vacancy tax and Council did discuss it over the course of several meetings. The problem with the vacancy tax is you cannot apply it to only one person. It would have an unintended effect on a lot of other building owners that have smaller buildings that are trying to lease their buildings. A lot of building owners near the Square are constantly trying to lease their buildings. The City would be punishing the little guy that is trying to rent out his building as opposed to the multi-millionaire that can keep us in court for ten years. At this point we chose a vacancy tax is not the right way to go.

Mr. Tench stated the vacancy tax could be prorated based on square footage and there could be something for a property owner that is actively pursuing tenants and being reasonable with their rental agreements. Mr. Schuman responded that no matter what type of tax you put on a smaller business person, it is going to have a horrendous effect on them. Mr. Schuman is only aware of one property owner in Bedford that is collecting rent on vacant buildings. The other property owners are very accommodating with the City. Unfortunately dealing with the one landlord, he has caused the City large losses in revenue in blown deals. As long as he is maintaining the property, there is nothing we can do about it. Mr. Schuman is not aware of any city in Cuyahoga County that has a vacancy tax.

Mrs. Zolata replied to Mr. Tench's inquiry about the paving near Carylwood School. Mrs. Zolata knows the inspector and spoke with him daily and he knew the work had to be done before school started. There was one day the contractor did have their trucks there, but they were not working. The cars had to go around the trucks and it did tie up traffic some, but there was no actual work being done while school was in session.

Mayor Pocek asked if there were any further comments. There being no reply, motion made by Koci seconded by Pozar to adjourn. The roll was called. Vote – Yeas: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:54 P.M.


Clerk of Council Pro-Tem


Mayor – President of Council